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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,670	12/04/2003	Daniel Alejandro Romero Elizondo	78609	8858
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FITCH EVEN TABIN AND FLANNERY 120 SOUTH LA SALLE STREET SUITE 1600 CHICAGO, IL 60603-3406				
EXAMINER SPISICH, GEORGE D				
ART UNIT 3616 PAPER NUMBER				

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/728,670

Applicant(s)

ELIZONDO ET AL.

Examiner

George D. Spisich

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26-34 is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 13, 20 and 25 are unclear. In line 7 and line 8-9 of claim 1, lines 7 and 9 of claim 13 and 20, and line 6 of claim 25, it is unclear to state the " restraint arrangement for the occupant by the anchor points". The anchor point cannot provide a restraint arrangement.

Claim 1 is unclear. Lines 6-9 are unclear. As claimed, it is unclear if there are individual 3, 4 and 5 point belt arrangements or if the 3 point is part of the 4 point which is part of the 5 point arrangement (which is Applicant's invention). The language in line 2-3 (the preamble) does not sufficiently resolve this confusion.

Claim 2 is unclear. Again, in lines 1-2, "the anchor point provide for" is not proper.

In claim 2, there was not previously claimed (in claim 1) both a 3 and a 4 point arrangement so the term "the three-point and the four-point" is not proper.

Claim 4 is unclear. There was not previously claimed (in claim 1) both a 3 and a 4 point arrangement so the term "the three-point and the four-point" in line 3 is not proper.

Claim 7, line 2 is unclear. It is unclear what is meant by "located in side-by-side relationship".

Claim 8, lines 1-3 are unclear. It is unclear to claim "the anchor points are arranged in first and second three-point belt arrangements". Furthermore, a second three-point belt restraint arrangement has not been previously claimed.

Claim 12, lines 1-3 are unclear. It is unclear to claim "the anchor points are arranged in first and second three-point belt arrangements". Furthermore, a second three-point belt restraint arrangement has not been previously claimed.

Claim 13, line 11 is unclear. "a connector of the plurality of anchor points....." is unclear. This is not an accurate or clear description of a third buckle mounted between the legs of the seated occupant.

Claim 20, lines 11-13 are unclear. As currently claimed, "a tongue and a buckle.....to provide overlapping lap belt portions" is unclear. These features would not provide overlapping lap belt portions.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Martin (USPN 3,052,432).

Martin discloses a restraint for a vehicle seat that provides a seat occupant options for multiple seat belt configurations, the restraint system comprising a plurality of anchor points at predetermined locations about the vehicle seat for seat belt webbing.

Martin discloses a restraint arrangement that can be used as a 3-point (2 points over the shoulders and 1 point between the legs), a 4-point, or a 5-point.

The anchor points provide for both the three point and four point belt arrangements.

The five-point belt restraint arrangement is comprised of a first portion of the seat belt webbing extending between two anchor points along one side of the vehicle seat, a second portion of the belt webbing extending between another two anchor points along the other side of the vehicle seat, a first tongue on the first belt webbing, a second tongue on the second belt webbing and a buckle generally mounted to or adjacent the vehicle seat adapted to receive both the first and the second tongue.

Allowable Subject Matter

Claims 26-34 are allowed.

Claims 3,4 and 6-25 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Prior Art does not disclose first and second three point belt arrangements that can be used independently or together to then make up a 4-point belt arrangement and furthermore used together with a third buckle to make up a 5-point belt arrangement.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pitman (USPN 5,971,492), Lambert et al. (USPN 6,089,662), Murphy et al. (USPN 6,312,056), Delventhal et al. (USPN 6,837,547), Xu (USPUB 2004/0051294), Bostrom et al. (USPN 2005/0067827).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Spisich whose telephone number is (571) 272-6676. The examiner can normally be reached on Monday-Friday 9:00 to 6:30 except alt. Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

George D. Spisich
April 27, 2005



PAUL N. DICKSON
SUPERVISORY PATENT EXAMINER
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